SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: LUIS MEDINA-POBLADO aka LUIS
(AVISO AL DEMANDADO): RAMON MEDINAPOBLADO aka LUIS MEDINA POBLADO, an individual,

YOU ARE BEING SUED BY PLAINTIFF: PEOPLE OF THE STATE OF
(LO ESTÁ DEMANDANDO EL DEMANDANTE): CALIFORNIA, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (*www.sucorte.ca.gov*), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (*www.lawhelpcalifornia.org*), en el Centro de Ayuda de las Cortes de California, (*www.sucorte.ca.gov*) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, California 94102-4515

CASE NUMBER: *(Número del Caso):* CGC-20-586757

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Michael S. Weiss
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Office of the City Attorney
Fox Plaza, 1390 Market Street, 7th Floor, San Francisco, CA 94102 (415) 554-3800

DATE: *(Fecha)* SEP 24 2020 CLERK OF THE COURT Clerk, *(Secretario)* KALENE APOLONIO , Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]
SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO EUREKA

NOTICE TO THE PERSON SERVED: You are served
1. [X] as an individual defendant.
2. [ ] as the person sued under the fictitious name of *(specify)*:
3. [ ] on behalf of *(specify)*:

under: [ ] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other *(specify)*:
4. [ ] by personal delivery on *(date)*:

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Chief Attorney, Neighborhood & Resident Safety Division
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Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

FILED
San Francisco County Superior Court

SEP 24 2020

CLERK OF THE COURT
BY: [signature]
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco,

Plaintiff,

vs.

LUIS MEDINA-POBLADO aka LUIS RAMON MEDINAPOBLADO aka LUIS MEDINA POBLADO, an individual,

Defendant.

Case No. CGC-20-586757

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

Type of Case: (42) Other Complaint

The PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, allege as follows:

INTRODUCTION

1. Defendant LUIS MEDINA-POBLADO aka LUIS RAMON MEDINAPOBLADO aka LUIS MEDINA POBLADO (DEFENDANT) is creating a public nuisance in the Tenderloin neighborhood of the City and County of San Francisco, by his participation in the illegal sale of

controlled substances. The Tenderloin is a diverse neighborhood located in the very heart of San Francisco. The Tenderloin is home to families, children, seniors, singles, people with disabilities, and recent immigrants, comprising all gender identities and sexual orientations, many ethnicities, and speaking many languages. There are elementary and middle schools, pre-schools, daycares, and agencies helping people who are trying to recover from drug addiction. But the Tenderloin neighborhood is plagued by drug dealers including DEFENDANT, who come to the Tenderloin to illegally sell heroin, fentanyl, cocaine, methamphetamine, and other controlled substances. DEFENDANT is one of many creating an open-air drug market that harms Tenderloin residents and other San Franciscans who live, visit, and work there. This must stop. The PEOPLE OF THE STATE OF CALIFORNIA are seeking multiple injunctions against individuals who, like DEFENDANT, are openly selling narcotics in the Tenderloin. This Court should order DEFENDANT to stay away from the Tenderloin and help protect this community and make it a safe and healthy place to live for all its residents.

PARTIES

2. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco (PLAINTIFF or PEOPLE), brings this action pursuant to California Business and Professions Code sections 17200 and 17204, California Civil Code section 3494, and California Code of Civil Procedure section 731.

3. Defendant LUIS MEDINA-POBLADO aka LUIS RAMON MEDINAPOBLADO aka LUIS MEDINA POBLADO (DEFENDANT) is an individual who, on information and belief, resides in Oakland, California.

VENUE

4. Venue is proper in this Court under Code of Civil Procedure section 392(a) and Code of Civil Procedure section 393(a), and each of them.

THE TENDERLOIN NEIGHBORHOOD

5. The Tenderloin neighborhood is located in the center of San Francisco, and is one of the oldest parts of the City. It abuts the city, state, and federal buildings that comprise the Civic Center. It is also one of the most densely populated areas of the City, with approximately 28,200

people living within its 50 square blocks.[1] Almost half of the population is foreign born and nearly a quarter of households are linguistically isolated, meaning that all household members aged 14 years and older speak a non-English language and speak English less than "very well."[2] The neighborhood is also more diverse than the City as a whole, with its residents being 31 percent Asian, 10 percent African American, 43 percent White, 1 percent Native American, 23 percent Latino, and 15 percent mixed race.[3] At 30 percent, the Tenderloin's poverty rate is almost three times higher than the City's as a whole.[4]

6. Official census data reports 2,256 children live in the Tenderloin.[5] The density of children in the Tenderloin is about three times higher than the rest of the City.[6]

7. The Tenderloin is also home to institutions that serve vulnerable populations. There is a large public elementary school, where the vast majority of young students qualify for free or reduced price lunch and the majority of whom are English language learners, a small private elementary school offering sliding scale tuition, and a Catholic middle school that charges no tuition to many local students. The Tenderloin also hosts numerous childcare, daycare, and afterschool programs. San Francisco's Department of Public Health Primary Care sites in the Tenderloin include the Larkin Street Youth Center Clinic, Curry Senior Center, Tom Waddell Urban Health Clinic, and Medical Respite & Sobering Center.[7] The Tenderloin is also home to numerous housing and shelter services,

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[1] San Francisco Planning, San Francisco Neighborhoods Socio-Economic Profiles, American Community Survey 2012-2016 (2018), at p. 78. <https://default.sfplanning.org/publications_reports/SF_NGBD_SocioEconomic_Profiles/2012-2016_ACS_Profile_Neighborhoods_Final.pdf>

[2] *Ibid.*

[3] *Ibid.*

[4] *Id.* at pp. 5, 79.

[5] The Bay Area Women's and Children's Center, Survey of Tenderloin Family and Children's Issues (2016), at p. 1 <https://www.bawcc.org/pdf/Survey_of_TL_Family_and_Children's_Issues_2016.pdf>.

[6] Central Market/Tenderloin Data Portal, Age <https://cmtldata.org/data/age>.

[7] San Francisco Department of Public Health, San Francisco's Tenderloin Neighborhood: Neighborhood Conditions and Health Status (September 6, 2016), at p. 16 <https://www.sfdph.org/dph/hc/HCAgen/HCAgen2016/September%206/DPHPREZ.pdf>.

including transitional housing facilities for individuals reentering society from the criminal justice system, many of whom are battling drug addiction.

8. The Tenderloin has many inexpensive restaurants, corner stores, and other small businesses, many of which are owned and operated by immigrants who are struggling to attract customers, pay for insurance, and stay afloat.

THE ILLEGAL SALE OF CONTROLLED SUBSTANCES IS A PUBLIC NUISANCE IN THE TENDERLOIN

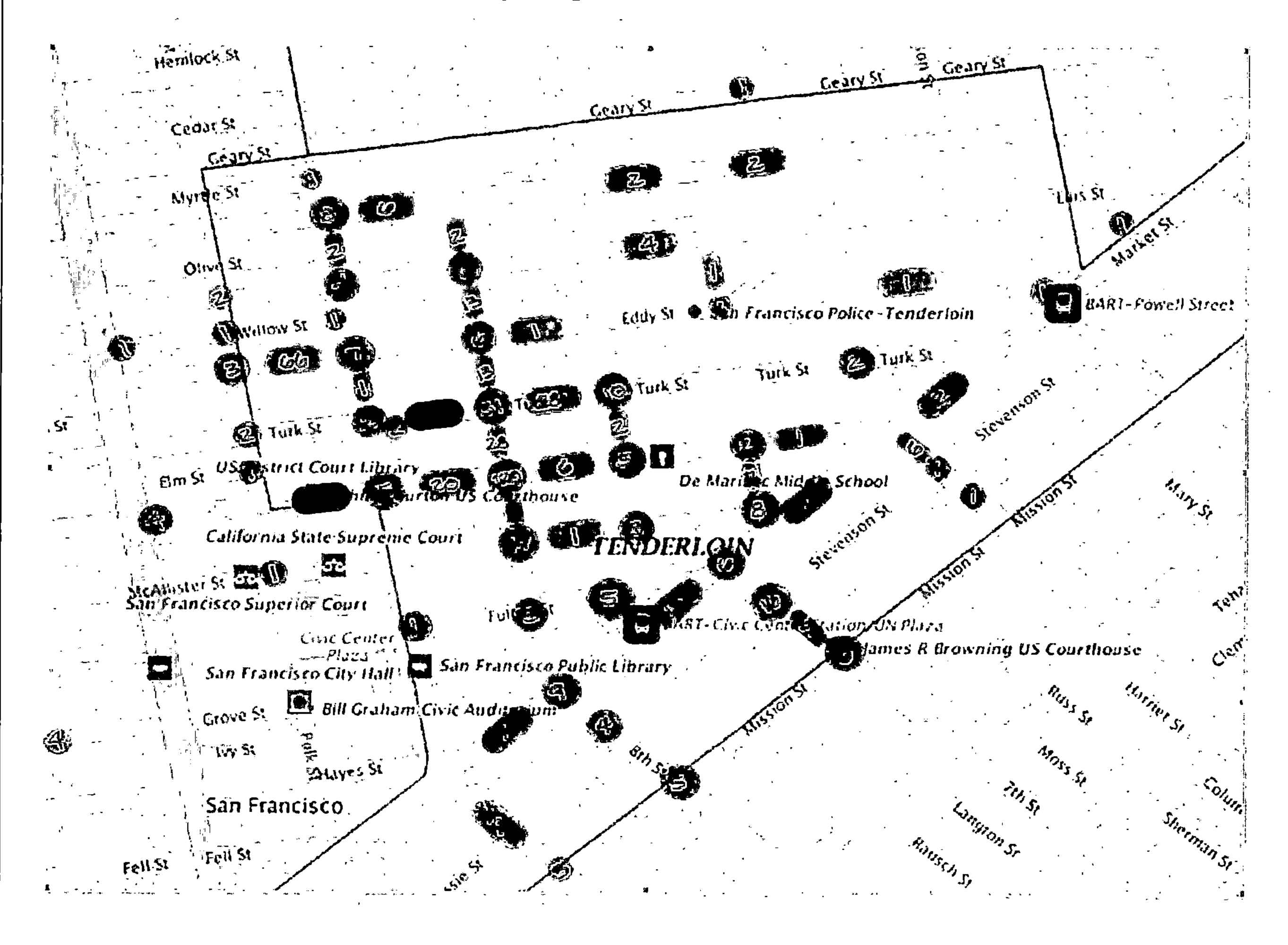
9. The Tenderloin is the epicenter of illegal drug sales in the City. Open-air drug dealing has been a pervasive and ubiquitous feature of the neighborhood for years, but the situation has worsened in recent years and months. Much like the COVID-19 pandemic, the lack of an effective response has led to an exponential increase in the amount and impact of drug dealing on the neighborhood. In fiscal year 2017-2018, more than half of the 883 individuals arrested or cited by the San Francisco Police Department (SFPD) for drug sales in the City were arrested or cited in the Tenderloin.[8] The most common drugs sold are cocaine base/rock, heroin, and methamphetamine.[9]

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[8] Budget and Legislative Analyst's Office, City and County of San Francisco Board of Supervisors, Policy Analysis Report: Policing and Criminal Justice Costs Related to Open Air Drug Dealing in the Tenderloin, South of Market, and Mid-Market Neighborhoods (April 25, 2019), at p. 1 <https://sfgov.legistar.com/View.ashx?M=F&ID=7193997&GUID=DD89A486-5C05-4D7A-A489-EE50A9C6DB33>.

[9] *Id.* at p. 2.

10. From June 1, 2019 through June 19, 2020, over 580 arrests were made in the Tenderloin area for drug sales and for possession of drugs for the purpose of sales. These arrests were primarily for dealing fentanyl, heroin, cocaine, and methamphetamine. The map below displays the number of arrests at each location during that period.



Between June 20, 2020 and September 13, 2020, there were more than 150 new arrests in the Tenderloin area for sales or possession for sales of narcotics.

11. Some street level drug dealers sell to pedestrians or people in vehicles directly, some by use of hooks (people who signal to attract customers), lookouts, and holders. "Holders," in particular, are important players in the Tenderloin drug market. Drug sellers often use holders to store the bulk of their product while they conduct individual sales. Sellers do this to minimize the quantity of narcotics in their possession, to avoid the more severe charges and the longer sentences that would follow from

their arrest, and to minimize the chances that a buyer will rip them off. Many holders possess a significant quantity and large variety of drugs. Sometimes, a seller will pay the holder in drugs.

12. Drug dealers congregate on the corners of Tenderloin streets, forcing residents to navigate a gantlet of drug transactions as they walk to work, school, or to essential services like grocery stores and health care providers. Tenderloin residents are also subject to other physical signs of narcotics activity, like narcotics waste including used crack pipes, burnt pipe mesh, dirty syringes and used narcotics in various forms. Additionally, Tenderloin residents are endangered by the increased violence involved in narcotics disputes between dealers and buyers as well other criminal and erratic conduct of the addicted. One of the most important initiatives to assist Tenderloin children has been the creation of "Safe Passage" a volunteer-led program that helps shield young students from the violence and ravages of the open-air drug market as they navigate their route to and from school and other activities.

13. Narcotics transactions contribute to the harmful health consequences throughout the area. Trash, litter and debris thrown in the streets of the Tenderloin have been a source and proliferation of disease in this area. This year to date, District 6, which includes the Tenderloin, has the highest number of complaints lodged with San Francisco's customer service hotline 311. In the past year, San Francisco's 311 hotline has received 3,393 complaints in the Tenderloin for "human waste or urine," nine complaints about "20 or more needles" and 567 complaints for less than 20 needles. Representative complaints include: "URGENT needles and debris IFO school entrance," "[t]here are needles all over. . . . There is at least one needle that is exposed and children are in[]the area." ; "Needles all up and down Jones seen kids walking thru them." Discarded drug paraphernalia contribute to this unsanitary environment and blight as they are ever-present on the streets and sidewalks where business owners, school children, and community members encounter them on a daily basis.

14. With drugs available in abundance, block after block, public drug use is common. At all hours of the day and night, narcotics users can be seen injecting narcotics and other drugs on the public streets, sidewalks, in and around alcoves and entry ways of businesses and restaurants. Blatant

and open-air drug sales are common. Drug dealers are open for business on public streets and sidewalks at all hours of the day and night.

15. Given the concentration of drug sales in the Tenderloin, it is unsurprising that drug overdoses are also a common occurrence in the neighborhood. Between 2011 and 2015, drug overdose was the leading cause of death in the Tenderloin.[10] By comparison, heart disease was the leading cause of death in the City as a whole, and drug overdoses did not even fall within the top five leading causes of death for residents outside the Tenderloin.[11] Since 2015, drug overdoses have only been increasing. In 2017, the Department of Public Health reported that approximately one third of all overdose deaths in San Francisco occurred in the Tenderloin and South of Market neighborhoods.[12] In 2019, 441 people died from drug overdoses in San Francisco—a rate of more than one per day. There were 239 deaths from fentanyl overdose alone in San Francisco last year. This was more than double the number of fentanyl overdose deaths in 2018. The Tenderloin has the highest overdose mortality rate of any neighborhood in the City.[13] In January 2020, the San Francisco Board of Supervisors unanimously passed a resolution declaring drug overdose deaths a public health crisis.[14] In that resolution, which called for a public health plan, the Board requested a plan for "stopping the flow of deadly drugs into San Francisco."[15]

16. The high concentration of drug sales in the Tenderloin contributes to the high rate of other crimes in the neighborhood. Historically, overall crime rates in the Tenderloin are about three times higher than in the city overall on a per capita basis.[16] In 2020, there have been 2 homicides, 7 rapes, 179 robberies, 174 assaults, 1 human trafficking sex act, 142 burglaries, 85 motor vehicle thefts,

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[10] San Francisco Department of Public Health, San Francisco's Tenderloin Neighborhood: Neighborhood Conditions and Health Status (September 6, 2016), at p. 10 <https://www.sfdph.org/dph/hc/HCAgen/HCAgen2016/September%206/DPHPREZ.pdf>.

[11] *Ibid.*

[12] <https://www.sfdph.org/dph/files/SIStaskforce/IssueBrief-06202017.pdf>.

[13] San Francisco Department of Public Health, Substance Abuse Trends in San Francisco through 2019 (August 31, 2019), at p. 8.

[14] S.F. Board of Supervisors Resolution 2-20.

[15] *Id.* at 3:17.

[16] Central Market/Tenderloin Data Portal, Crime <https://cmtldata.org/data/crime>.

6 arsons, and 527 larceny thefts.[17] These crime rates leave Tenderloin residents and workers feeling less safe. In 2019, the Tenderloin had the second-lowest safety ratings in City, with only 37.8 percent of residents feeling safe or very safe at night.[18]

17. As a result of DEFENDANT's illegal drug sales in the Tenderloin Drug Abatement Area as alleged herein, the community, businesses, and residents living, studying, playing, growing, and working in and around the Tenderloin Drug Abatement Area have suffered and continue to suffer from fear, intimidation, and lack of free use of property and quiet enjoyment of life in and around the Tenderloin Drug Abatement Area.

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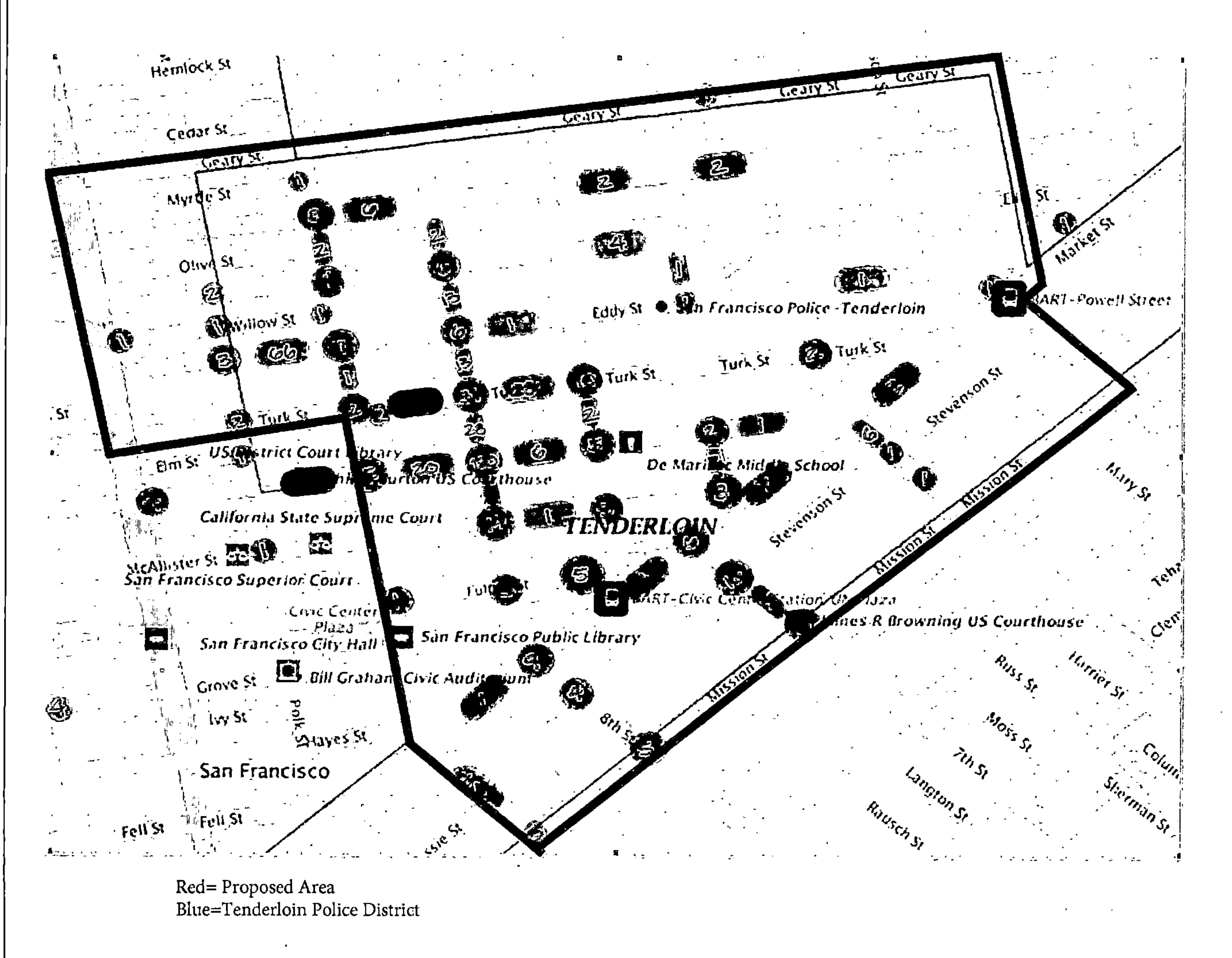
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[17] San Francisco Police Department, Crime Data, Tenderloin District (January 1, 2020-June 14, 2020) <https://www.sanfranciscopolice.org/stay-safe/crime-data/crime-dashboard>.

[18] City Performance Unit, Office of the Controller, 2019 City Survey Safety <https://sfgov.org/citysurvey/safety>.

AREA TO BE SUBJECT TO INJUNCTION: THE TENDERLOIN DRUG ABATEMENT AREA

18. The proposed borders of the Tenderloin Drug Abatement Area are as follows: on the west, 9th Street from Mission Street north to Market Street, then Larkin Street from Market Street north to Turk Street, then Turk Street from Polk Street west to Van Ness Avenue, then Van Ness Avenue from Turk Street north to Geary Street; on the north, Geary Street from Van Ness Avenue east to Powell Street; on the east, Powell Street from Geary Street south to Market Street, then Market Street from Powell Street southwest to Fifth Street, then Fifth Street from Market Street south to Mission Street; on the south, Mission Street from Fifth Street to Ninth Street. The proposed Tenderloin Drug Abatement Area includes the sidewalk on each of these boundary streets and 25 yards extending therefrom (except the western sidewalk of Polk Street south of Turk Street is not included).



Red= Proposed Area
Blue=Tenderloin Police District

DEFENDANT'S ROLE IN THE ONGOING PUBLIC NUISANCE IN THE TENDERLOIN DRUG ABATEMENT AREA

19. LUIS MEDINA-POBLADO aka LUIS RAMON MEDINAPOBLADO aka LUIS MEDINA POBLADO, born in 1997, resides in Oakland, California. However, DEFENDANT comes to the Tenderloin for the purpose of engaging in the illegal sale of controlled substances. DEFENDANT is engaged in this conduct in the Tenderloin Drug Abatement Area, which is causing an ongoing public nuisance and ongoing violations of the Unfair Competition Law.

20. On June 5, 2019, at Jones Street and Market Street in San Francisco's Tenderloin Drug Abatement Area, DEFENDANT was in the driver's seat of an illegally parked car with false temporary license plates and with three other passengers. When the police approached, DEFENDANT drove off and ran a red light. When police stopped the car, DEFENDANT was driving, but had no driver's license. Police found two rocks of cocaine base in the back seat. During the vehicle search, police found a backpack with a fanny pack inside, with drugs inside. DEFENDANT admitted the drugs were his. DEFENDANT was arrested for possession of the following drugs for purpose of sale: 14 bindles plus 3 baggies of heroin (19.8 grams); 1 baggie of methamphetamine (3.2 grams); and 2 bindles of cocaine base (.3 grams). Also found wedged into the front passenger seat door was $1,351 in U.S. currency. The San Francisco District Attorney's Office discharged the case.

21. On August 22, 2019, at 8th and Mission Streets in San Francisco's Tenderloin Drug Abatement Area, DEFENDANT made two hand-to-hand sales to two different buyers. Both buyers were detained by police, who seized the cocaine base purchased from DEFENDANT. DEFENDANT was arrested along with Sierra Cullen, who may have been acting as a holder. The San Francisco District Attorney's Office charged DEFENDANT with two counts of violating Health and Safety Code section 11352 in criminal court case no. 19013217, which is still pending as of the date of filing this Complaint. In the criminal case, DEFENDANT was ordered to stay 150 yards away from 8th and Mission Streets.

22. On August 26, 2019, at 135 Hyde Street near Golden Gate Avenue in San Francisco's Tenderloin Drug Abatement Area, DEFENDANT made a hand-to-hand sale of narcotics. DEFENDANT was arrested, and was in possession of the following narcotics for the purposes of sale:

15 bindles of heroin (7.1 grams); and 1 rock of cocaine base (.6 grams). The San Francisco District Attorney's Office charged DEFENDANT with violating Health and Safety Code section 11351 and 11351.5, in criminal court case no. 19013448, which is still pending as of the date of filing this Complaint. In the criminal case, DEFENDANT was ordered to stay 150 yards from 135 Hyde Street.

23. On September 4, 2019, at 8th and Mission Streets in San Francisco's Tenderloin Drug Abatement Area, police saw DEFENDANT walking southbound on 8th Street towards Mission, in violation of a stay-away order requiring DEFENDANT to stay 150 yards away from 8th and Mission Streets. SFPD detained DEFENDANT at 8th and Howard, and confirmed that the stay-away order was active. SFPD searched DEFENANT incident to arrest and found DEFENDANT in possession of the following narcotics for the purpose of sale: 21 bindles of heroin; 9 baggies of fentanyl; and 1 bindle of cocaine base. DEFENDANT also possessed $439 in mixed denominations of U.S. currency. The San Francisco District Attorney's Office charged DEFENDANT with violating Health and Safety Code sections 11351 (two counts) and 11351.5, and Penal Code section 166(a)(4), in criminal court case no. 19013969, which is still pending as of the date of filing this Complaint.

24. On November 1, 2019, at 153 Hyde Street near Golden Gate Avenue in San Francisco's Tenderloin Drug Abatement Area, police saw DEFENDANT and knew he had several outstanding arrest warrants. When arrested, DEFENDANT was in possession of the following narcotics for the purpose of sale: 10 bindles cocaine base (4.6 grams); 13 bindles of heroin (4.4 grams); 1 baggie of methamphetamine (2.2 grams); and 8 bindles of fentanyl (6.5 grams). DEFENDANT also possessed $97 in mixed denominations of U.S. currency. The San Francisco District Attorney's Office charged DEFENDANT with violating Health and Safety Code sections 11351 (2 counts), 11378, and 11351.5, and Penal Code section 166(a)(4), in criminal court case no. 19017225, which is still pending as of the date of filing this Complaint.

25. On March 15, 2020, at 101 Hyde Street near Golden Gate Avenue in San Francisco's Tenderloin Drug Abatement Area, police saw DEFENDANT and knew he had an active stay-away order from 135 Hyde, plus 4 outstanding arrest warrants. When police tried to arrest DEFENDANT, he took off running at a full sprint. DEFENDANT was arrested for violating Penal Code sections 166(a)(4) and 148(a). The San Francisco District Attorney's Office discharged the case.

26. On June 4, 2020, at 366 Golden Gate Avenue near Larkin Street in San Francisco's Tenderloin Drug Abatement Area, DEFENDANT sold narcotics to an undercover police officer. DEFENDANT was arrested along with companion Ali Hajialilu, who was acting as the holder. DEFENDANT was in possession of the following narcotics for purposes of sale: 4 grams of heroin; 6.8 grams of cocaine base; and 5.6 grams of cocaine salt. Hajialilu was in possession of: 27.3 grams of heroin; 34.9 grams of cocaine base; 18 grams of cocaine salt; and 10.8 grams of fentanyl. The San Francisco District Attorney's Office charged DEFENDANT with violating Health and Safety Code sections 11352, 11351 (2 counts), and 11351.5, in criminal court case no. 20006558, which is still pending as of the date of filing this Complaint.

27. The Court ordered DEFENDANT to stay away from 8th and Mission Streets and Hyde Street and Golden Gate Avenue, but DEFENDANT has ignored the Court's orders.

28. DEFENDANT's conduct is unlawful under the following statutes, among others: Health & Safety Code sections 11352 (sale of a controlled substance), 11351 (possession with intent to sell a controlled substance), 11351.5 (possession with intent to sell a controlled substance), and 11378 (possession with intent to sell a controlled substance); and Penal Code sections 166(a)(4) (contempt of court – violation of a stay away order) and 12022.1 (felony committed while released from custody on bail or own recognizance).

FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE

29. The PEOPLE incorporate by reference all of the preceding paragraphs of the Complaint.

30. DEFENDANT's nuisance conduct, including the illegal sale of controlled substances, has created conditions in the Tenderloin Drug Abatement Zone which are injurious to health, indecent or offensive to the senses, obstruct the free use of property, interfere with the comfortable enjoyment of life or property, and/or unlawfully obstruct the free passage or use of public parks, streets, sidewalks and highways, in violation of Civil Code section 3479. DEFENDANT's conduct amounts to a public nuisance in that it affects at the same time an entire community or neighborhood, and a considerable number of persons, within the meaning of Civil Code section 3480.

31. DEFENDANT knew or should have known that DEFENDANT's conduct was creating a public nuisance in the Tenderloin Drug Abatement Area, as alleged in the Complaint, but failed to take reasonable steps to abate the public nuisance.

32. DEFENDANT has engaged in, and will continue to engage in, the illegal sale of controlled substances and other nuisance activity in the Tenderloin Drug Abatement Area.

33. The PEOPLE have no adequate remedy at law, in that damages are insufficient to protect the public from the present danger and harm caused by the DEFENDANT's conduct. Unless injunctive relief is granted to enjoin DEFENDANT, the public will suffer irreparable harm.

34. Unless DEFENDANT's public nuisance conduct is abated, the community, the neighborhood, and the residents of San Francisco will suffer irreparable injury and damage, in that said conditions will continue to be injurious to their enjoyment of life and free use of property and public space.

35. Unless enjoined, DEFENDANT will continue to cause a public nuisance in the Tenderloin Drug Abatement Area.

36. DEFENDANT should be ordered to stay away from the Tenderloin Drug Abatement Area at all times.

SECOND CAUSE OF ACTION FOR VIOLATION OF THE UNFAIR COMPETITION LAW

37. The PEOPLE incorporate by reference all of the preceding paragraphs of the Complaint.

38. The PEOPLE bring this cause of action in the public interest pursuant to Business and Professions Code sections 17200 *et seq.* (UNFAIR COMPETITION LAW or UCL).

39. DEFENDANT is in the business of illegally selling controlled substances within the Tenderloin Drug Abatement Area in the City and County of San Francisco. The violations of law described herein have been and are being carried out wholly or in part within the City and County of San Francisco.

40. The actions of DEFENDANT are in violation of the laws and public policies of the City and County of San Francisco and the State of California, and are inimical to the rights and interest of the general public.

41. Through the conduct described above, DEFENDANT has engaged in unlawful and unfair business practices prohibited by the UCL, including by violating the public nuisance laws and by violating the Penal Code and the Health & Safety Code as alleged above.

42. DEFENDANT has engaged in, and will continue to engage in, unlawful and unfair business practices in the Tenderloin Drug Abatement Area.

43. The PEOPLE have no adequate remedy at law, in that damages are insufficient to protect the public from the present danger and harm caused by DEFENDANT's conduct. Unless injunctive relief is granted to enjoin DEFENDANT, the public will suffer irreparable harm.

44. Unless enjoined, DEFENDANT will continue to engage in unlawful and unfair business practices in the Tenderloin Drug Abatement Area.

45. DEFENDANT should be ordered to stay away from the Tenderloin Drug Abatement Area at all times.

46. DEFENDANT is subject to civil penalties of up to $2,500 per violation of the UCL, and an additional civil penalty of up to $2,500 per violation for each violation of the UCL affecting a senior or disabled person.

PRAYER FOR RELIEF

The PEOPLE pray for relief as follows:

Declaratory Relief

1. That DEFENDANT's conduct be declared a public nuisance;

2. That DEFENDANT's conduct be declared to violate the UCL;

Injunctive Relief

3. That DEFENDANT be enjoined to stay away from the proposed Tenderloin Drug Abatement Area and from any area of the City and County of San Francisco where DEFENDANT has engaged in the illegal sale of controlled substances;

4. That the public nuisance and illegal business practices be abated by ordering DEFENDANT to refrain from conduct contributing to said public nuisance and illegal business practices, including but not limited to enjoining and restraining DEFENDANT from engaging in the

illegal sale of controlled substances, from the possession of controlled substances for sale, and from participating or supporting the illegal drug trade in any manner;

5. That the injunction provide for DEFENDANT's liability of up to $6,000 for each violation of the injunction, where any continuing violation of the injunction will result in a penalty of up to $6,000 per day;

6. That the same injunctive relief be granted against DEFENDANT on an interim basis, prior to entry of a final judgment;

Penalties

7. That DEFENDANT be ordered to pay a civil penalty of up to $2,500 per violation of the UCL, pursuant to Business and Professions Code section 17206;

8. That Defendant be ordered to pay an additional civil penalty of up to $2,500 for each violation of the UCL affecting a senior or disabled person, pursuant to Business and Professions Code section 17206.1;

Fees and Costs

9. That Plaintiff be awarded costs pursuant to Code of Civil Procedure section 1032;

Other Relief

10. That this Court grant such other relief as is just and proper.

Date: September 21, 2020

DENNIS J. HERRERA, City Attorney
PETER J. KEITH, Chief Attorney, Neighborhood and Resident Safety Division
MEREDITH OSBORN, Chief Trial Deputy
MICHAEL S. WEISS
HOLLY D. COULEHAN
RENEE E. ROSENBLIT
Deputy City Attorneys

By: ____________________
MICHAEL S. WEISS
Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*
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ATTORNEY FOR *(Name):* Plaintiff People of the State of California

FOR COURT USE ONLY

FILED
San Francisco County Superior Court
SEP 24 2020
CLERK OF THE COURT
BY: [signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, 94102-4515
BRANCH NAME: Civic Center Courthouse

CASE NAME: PEOPLE OF THE STATE OF CALIFORNIA v. LUIS MEDINA-POBLADO

CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: CGC-20-586757
[X] Unlimited (Amount demanded exceeds $25,000) [ ] Limited (Amount demanded is $25,000 or less)	[ ] Counter [ ] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE: DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [X] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply):* a. [X] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify):* Two
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: September 21, 2020
Michael S. Weiss
(TYPE OR PRINT NAME) [signature] (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice– Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease
    - Contract *(not unlawful detainer or wrongful eviction)*
  - Contract/Warranty Breach–Seller Plaintiff *(not fraud or negligence)*
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case–Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition